

House Bill 990 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 29<sup>th</sup>, Rice of the 51<sup>st</sup>, and Bearden of the 68<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to revise the procedure for registration of fleet vehicles; to provide that the Department of Revenue will process fleet registrations; to ensure that the financial responsibility of motor carriers in this state is compatible with federal motor carrier safety regulations; to change certain equipment requirements for the lighting equipment and warning flags for protruding loads, brake performance, ability, rear view mirrors, window tinting, and tire tread depth on commercial motor vehicles to make them compatible with federal motor carrier safety regulations; to provide for related matters; to repeal conflicting laws; to provide for an effective date; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Chapter 2 by revising Article 2A, relating to registration and licensing of fleet vehicles, as follows:

"ARTICLE 2A

40-2-50.

As used in this article, the term:

(1) 'Fleet' means 100 or more motor vehicles.

(2) 'Fleet registration plan' means the method of registering the motor vehicles of a fleet as provided in this article.

40-2-51.

(a)(1) A corporation or firm which has an established place of business in this state or which is controlled by a parent corporation which has an established place of business in

this state and which owns or operates under a lease agreement a fleet which is not required to be registered under the International Registration Plan in accordance with Article 3A of this chapter may enroll in the fleet registration plan and register and obtain licenses to operate the motor vehicles in such fleet as provided in this article.

(2) The provisions of this article for fleet enrollment, registration, and licensing shall not apply to any corporation or firm which leases or rents motor vehicles to other persons for use thereby.

(b)(1) Applications for enrollment of a fleet under the fleet registration plan may be submitted to the department in the form and manner prescribed thereby ~~during the period of December 1 of the prior registration year to February 15 of the year for which the license plates are to be issued.~~ The registrations for all motor vehicles in the fleet shall expire in the same month, that month to be requested by the applicant and approved by the department. Motor vehicles of a fleet shall be ~~enrolled separately~~ grouped by classes and by counties where the vehicles are to be ~~registered~~ domiciled. For the purpose of this paragraph, the term 'domicile' means the county where the vehicle is most commonly dispatched or worked.

(2)(A) An applicant for enrollment of a fleet under the fleet registration plan shall pay a fleet enrollment fee of \$200.00 for initial enrollment of the fleet.

(B) If the applicant for enrollment of a fleet or the parent corporation or firm thereof has not had an established place of business in this state for a period of ten consecutive years or more, the applicant shall post a \$25,000.00 surety bond at the time of applying for enrollment.

(3) If the department determines that the applicant is eligible for fleet registration and proper application has been made, the department shall enroll the fleet, ~~indicate the amount of license fees due for the fleet, validate the enrollment form or forms for the applicable county or counties, and mail the validated original enrollment form or forms with fees indicated to~~ and notify the applicant. Such enrollment shall be valid for a period ~~which is concurrent with that period for which regular license plates are issued for use under Code Section 40-2-31~~ of one year. Thereafter, the department shall, not less than 90 days prior to December 1 of each year of the end of that year's enrollment period, mail provide to the enrollee a statement of the amount of license fees and taxes due and payable during the forthcoming registration period for such fleet.

40-2-52.

(a) ~~After receipt of a validated fleet enrollment form, the owner or operator of the enrolled fleet shall register and obtain licenses to operate the motor vehicles thereof during the period of December 1 of the prior registration year to February 15 of the year for which the~~

license plates are to be issued. The department shall be the registering officer for initial and renewal applications for fleet enrollment. The department shall collect and distribute to county governments and county government officials the same taxes and fees as would be applicable if the vehicles were registered by the county.

(b) ~~An applicant for registration of a vehicle of an enrolled fleet shall submit a validated original fleet enrollment form to the county tag agent in each county in which vehicles enrolled under the fleet registration plan are to be registered.~~ If a vehicle is added to the fleet during the registration year, the department shall prorate all fees required for registration as prescribed by law. In addition to all registration fees, the fleet registrant shall pay a one-time \$5.00 fee for each vehicle added to the fleet.

(c) The provisions of Article 2 of this chapter for registering and licensing motor vehicles generally which are not inconsistent with the provisions of this article shall apply to the registration and licensing of each vehicle of an enrolled fleet.

(d) On the renewal of a fleet registration, the department shall require the payment in full of all license fees and taxes for every vehicle registered and not properly deleted in the preceding year. In order to delete a vehicle from the fleet, the fleet registrant shall surrender to the department the vehicle's permanent fleet registration card and permanent fleet license plate described in Code Section 40-2-53. If the card or license plate is lost, stolen, or destroyed, the fleet applicant shall submit a sworn statement giving the circumstances for the inability to surrender the card or plate.

40-2-53.

(a)(1) ~~Upon submission approval by the applicant department of a validated original fleet enrollment form and compliance with all applicable requirements for registration and licensing of motor vehicles, the county tag agent department shall issue to the applicant a permanent fleet registration card and a permanent fleet motor vehicle license plate for each vehicle of the fleet to be registered and licensed in such county by the department. The permanent registration card shall be carried in the vehicle at all times and shall be made available to any law enforcement officer on demand.~~

~~(2) The county tag agent shall mark the validated original fleet enrollment form as 'taxes paid' or 'tax exempt,' as applicable, and return such form to the registrant.~~

~~(3) The registrant shall submit to the department the validated original fleet enrollment form which has been marked as provided in paragraph (2) of this subsection.~~

(b) Fleet motor vehicle license plates shall be similar in design to and issued for the same period as regular license plates issued under Code Section 40-2-31, except that such fleet motor vehicle license plates shall contain such words or symbols, in addition to the numbers and letters otherwise prescribed by law, so as to distinctively identify the motor

vehicles on which they are placed as fleet motor vehicles. It shall not be a requirement that a county name decal shall be affixed and displayed on license plates issued under this Code section.

(c)(1) License plates issued under this Code section shall be renewed annually ~~with a generic fleet revalidation decal.~~

(2) The bond required under subsection (b) of Code Section 40-2-51 shall be required at the time of any renewal of such license plates if at the time of such renewal the registrant or the parent corporation or firm thereof has not had an established place of business in this state for a period of ten consecutive years or more.

(d) License plates issued under this Code section shall be transferred between vehicles in the same manner as provided by Code Section 40-2-80 for special license plates issued under Article 3 of this chapter.

40-2-54.

(a) If a fleet registrant or the parent corporation or firm thereof has not had an established place of business in this state for a period of ten consecutive years or more, the department or its designated agent shall annually conduct an audit of such fleet registrant to ensure compliance with the requirements of this article which may include, without limitation, examination of records of all vehicles in a fleet, additions to or deletions from a fleet since the most recent such audit, and proof of proper payment of or exemption from ad valorem taxes on fleet vehicles. The fleet registrant shall bear the cost of or reimburse the department for the expenses of any audit required by this subsection.

(b) The department or its designated agent may perform an audit of any fleet registrant to ensure compliance with the requirements of this article which may include, without limitation, examination of records of all vehicles in a fleet, additions to or deletions from a fleet since the most recent such audit, and proof of proper payment of or exemption from ad valorem taxes on fleet vehicles.

40-2-55.

An enrollment of a fleet in the fleet registration plan shall be terminated by the department in the event:

(1) The department determines on the basis of an audit that fees for registration and licensing are not paid as required for 20 percent or more of the vehicles in any class of vehicles in the fleet or of those vehicles of the fleet registered in a county;

(2) The department determines on the basis of an audit that fees for registration and licensing are not paid as required for 5 percent or more of the total vehicles in the fleet;

- (3) Of the conviction of the fleet registrant for any unlawful use of any license plate issued for a fleet vehicle;
- (4) Of the failure of the fleet registrant to pay ad valorem taxes as required for any fleet vehicle;
- (5) Of the failure of the fleet registrant to pay enrollment fees as required; ~~or~~
- (6) Of the forfeiture of the surety bond required under Code Section 40-2-52 or 40-2-53;
- or
- (7) At the request of the fleet applicant."

## SECTION 2.

Said title is further amended by adding a new Code section to read as follows:

"40-6-10.1.

No motor carrier subject to the financial responsibility requirements of the Federal Motor Carrier Safety Administration, or any successor agency, as contained in Title 49 of the Code of Federal Regulations, Part 387, shall operate any motor vehicle upon the highways of this state until such motor carrier has obtained and has in effect the minimum levels of financial responsibility prescribed by such federal regulations."

## SECTION 3.

Said title is further amended by revising Code Section 40-8-27, relating to lighting equipment requirements, as follows:

"40-8-27.

(a) Except as provided in subsection (b) of this Code section, whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in Code Section 40-8-20, a red light plainly visible from a distance of at least 500 feet to the sides and rear. The red light required under this Code section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a flag or flags as described in subsection (c) of this Code section not less than ~~12~~ 18 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

(b) Any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or posts which extend more than four feet beyond the rear of the body or bed of such vehicle shall have securely affixed as close as practical to the end of any such projection one amber strobe type lamp equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. If the mounting of one strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting

load, multiple strobe lights shall be utilized so as to meet the visibility requirements of this subsection. The strobe lamp shall flash at a rate of at least 60 flashes per minute and shall be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting load any time of the day or night. The lamp shall be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. The projecting load shall also be marked with a flag or flags as described in subsection (c) of this Code section. An emergency light permit as provided for in Code Section 40-8-92 is not required on a vehicle utilizing an amber strobe light to comply with the provisions of this Code section.

(b.1) In lieu of the strobe type lamp or lamps provided for in subsection (b) of this Code section, any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or posts which extend more than four feet beyond the rear of the body or bed of such vehicle shall have securely affixed as close as practical to the end of any such projection, one light-emitting diode (LED) light equipped with a multidirectional type lens, mounted so as to be visible from the rear and from both sides of the projecting load. If the mounting of one light-emitting diode (LED) light cannot be accomplished so that it is visible from the rear and from both sides of the projecting load, multiple light-emitting diode (LED) lights shall be utilized so as to meet the visibility requirements of this subsection. The light-emitting diode (LED) light or lights shall be amber in color, shall flash at a rate of at least 60 flashes per minute<sub>2</sub> and shall be plainly visible from a distance of at least 500 feet from the rear and sides at a radius of 180 degrees of the projecting load at any time of the day or night. Any light-emitting diode (LED) light shall be constructed of durable, weather resistant material and may be powered by the vehicle's electrical system or by an independent battery system, or both. If the light-emitting diode (LED) light is powered by an independent battery system, the driver of the vehicle shall have in his or her immediate possession charged, spare batteries for use in case of battery failure. Any solid state light-emitting diode (LED) lighting that consists of multiple light-emitting diode (LED) lights shall not have less than 85 percent of the light-emitting diode (LED) lights in operable condition. The lights shall remain in operation at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. The projecting load shall also be marked with a flag as described in subsection (c) of this Code section. An emergency light permit as provided for in Code Section 40-8-92 is not required on a vehicle utilizing a light-emitting diode (LED) light to comply with the provisions of this Code section.

(c) The flag or flags as required by subsection (a) or (b) of this Code section shall be of a bright red or orange fluorescent color not less than ~~12~~ 18 inches square which is clearly visible and shall be displayed in such a manner that the entire area of the flag is visible

from the rear of the vehicle. There shall be a single flag at the extreme rear of the projecting load if the projecting load is two feet wide or less. Two such warning flags shall be required if the projecting load is wider than two feet. Flags shall be located to indicate the maximum width of loads which extend beyond the rear of the vehicle."

#### SECTION 4.

Said title is further amended by revising Code Section 40-8-53 relating to brakes as follows:  
"40-8-53.

(a) Except as provided for in subsection (b) of this Code section, every ~~Every~~ motor vehicle or combination of motor drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) brake within the distances specified in this Code section or shall be capable of being decelerated at a sustained rate corresponding to these distances.

	Feet to Stop	
	From 20 Miles	Deceleration in
	<u>Per Hour</u>	<u>Feet Per Second</u>
Vehicles or combinations of vehicles		
having brakes on all wheels	30	14
Vehicles or combinations of vehicles		
not having brakes on all wheels	40	10.7

(b) The brake performance ability for commercial motor vehicles shall be as provided for in the federal motor carrier safety regulations contained in 49 C.F.R. 393.52 as promulgated by the Federal Motor Carrier Safety Administration and adopted by the commissioner of public safety pursuant to Code Section 46-7-26. Commercial motor vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) brake within the distances specified in those rules."

#### SECTION 5.

Said title is further amended by revising Code Section 40-8-72, relating to mirrors, as follows:

"40-8-72.

(a) Except as provided in subsection (b) of this Code section, every ~~Every~~ motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from

the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

(b) Every commercial motor vehicle shall be equipped with two rear-vision mirrors meeting the requirements of the federal motor vehicle safety standards contained in 49 C.F.R. 571.111 in effect at the time of manufacture, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle; provided, however, only one outside mirror shall be required, which shall be on the driver's side, on a commercial motor vehicle which is so constructed that the driver has a view to the rear by means of an interior mirror."

#### SECTION 6.

Said title is further amended by revising subsections (f) and (g) of Code Section 40-8-73.1, relating to window tinting, as follows:

"(f) Notwithstanding any other provision of this Code section, commercial motor vehicles operated in this state are subject to the specifications of or limitations relating to windshield or window glazing or the application of light reducing or reflectance material to the windshield or windows as provided for in the federal motor carrier safety regulations contained in 49 C.F.R. 393.60 as promulgated by the Federal Motor Carrier Safety Administration and adopted by the commissioner of public safety pursuant to Code Section 46-7-26.

(g) The Department of Public Safety is authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this Code section.

~~(g)~~(h) Any person who violates subsection (b) or (e) of this Code section shall be guilty of a misdemeanor."

#### SECTION 7.

Said title is further amended by revising subsections (e) and (g) of Code Section 40-8-74, relating to tire tread depth, as follows:

"(e) All tires:

(1) Shall have not less than 2/32 inch tread measurable in all major grooves with the exception of except that school buses and commercial vehicles which shall have not less than 4/32 inch tread measurable in all major grooves on the front tires and school buses shall have not less than 2/32 4/32 inch tread measurable in all major grooves on the rear tires when there are at least four only two tires on the rear otherwise the tread on the rear tires shall be not less than 4/32 inch ; such measurements shall not be made where tie bars, humps, or fillets are located;

269 (2) Shall be free from any cuts, breaks, or snags on tread and sidewall deep enough to  
270 expose body cord; and

271 (3) Shall be free from bumps, bulges, or separations."

272 "(g) Retreaded, regrooved, or recapped tires shall not be used upon the front wheels of  
273 buses."

274 **SECTION 8.**

275 This Act shall become effective on July 1, 2010.

276 **SECTION 9.**

277 All laws and parts of laws in conflict with this Act are repealed.